

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 5TH FEBRUARY 2007 / 16TH MAGHA 1928

Crl.Rev.Pet.No. 503 of 2007()

CRA.102/2005 of ADDL. SESSIONS COURT (ADHOC)-II, ALAPPUZHA
CC.495/2003 of JUDL.MAGISTRATE OF FIRST CLASS-II(MOBILE),ALAPPUZHA
.....

REVN. PETITIONER - APPELLANT - ACCUSED:

SADANANDAN K., MEGHA NIVAS,
S.L. PURAM P.O., ALAPPUZHA.

BY ADV. SRI.MATHEW JAMES

RESPONDENTS - RESPONDENTS - COMPLAINANT & STATE:

1. SURESH, THEKKE PEZHAVELI, KOMALAPURAM,
NORTH ARYAD P.O., ALAPPUZHA.
2. STATE OF KERALA, REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI. K.B.ANIL KUMAR R1
BY PUBLIC PROSECUTOR SHRI KAMMAPPU R2

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 05/02/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K. PADMANABHAN NAIR, J.

=====

CRL. R.P. NO. 503 OF 2007

=====

Dated this the 5th day of February, 2007

ORDER

Heard. Admitted. Advocate Shri K.B. Anilkumar took notice for first respondent and Public Prosecutor for second respondent. Criminal Revision Petition itself is heard and disposed of as agreed to by counsel on both sides.

2. Revision petitioner was found guilty of an offence punishable under Section 138 of the Negotiable Instruments Act in C.C. No.495 of 2003 on the file of the Judicial First Class Magistrate No.II, Alappuzha. Conviction and sentence were confirmed by the learned Sessions Judge, Alappuzha in Crl. Appeal No.102 of 2005. Hence this Criminal Revision Petition.

3. It is submitted by counsel on both sides that matter has been settled out of court. Parties have filed Crl. M.A. No.1474 of 2007 for compounding the offence. Today I have allowed that application. Hence this Criminal Revision Petition is only to be allowed.

In the result, Criminal Revision Petition is allowed.

Conviction and sentence imposed on the revision petitioner under Section 138 of the Negotiable Instruments Act are hereby set aside. Revision Petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure.

K. PADMANABHAN NAIR, JUDGE.

K. PADMANABHAN NAIR, J.

CRL. R.P. NO.

ORDER

4TH JANUARY, 2007